

<b>DIVISION OF MINERAL MINING PROCEDURES MANUAL</b>		<b>PROCEDURE NO.</b>	4.9.00
		<b>ISSUE DATE</b>	09/10/91
<b>SUBJECT</b>	Exemption for Extraction of Coal Incidental to Extraction of other Minerals	<b>Section</b>	Permitting
		<b>Last Revised</b>	

**OBJECTIVE AND INTENT:**

To establish procedures for determining operations which are exempt from Chapter 19 laws and regulations because of the extraction of coal is incidental to the extraction of other minerals and does not exceed 16 2/3 percent of other minerals mined. This determination will be made based on the information contained in the ***Application for Exemption - Extraction of Coal Incidental to the Extraction of Other Minerals (DMLR-CP-211)***.

**PROCEDURES:**

1. The DMM Mine Inspector will conduct a pre-inspection of the site.
2. If coal will be encountered, the Mine Inspector will provide the prospective operator with an application for exemption.
3. The application for exemption is completed by the prospective operator and submitted as a part of the DMM permit application. The DMM Mine Inspector will provide the prospective operator with the DMLR Mine Inspectors name and telephone number so the DMLR Inspector may provide assistance in completing the Application for Exemption.
4. The DMM permit application is submitted to the DMM office.
5. The Application for Exemption will be forwarded to the Division of Mined Land Reclamation in Big Stone Gap by the Environmental Engineer Consultant within 2 days after receipt in the DMM office.
6. The Application for Exemption is evaluated by DMLR and handled in accordance with their policy.
7. A letter either granting or denying the exemption will be sent to the prospective operator by the DMLR Director. DMM will receive a copy of the approval or denied letter.
8. If the exemption is denied, the prospective operator will be advised by DMLR that no coal extraction can occur without having first obtained a Chapter 19 permit.
9. If the exemption is approved, the operator will be advised of such and of the conditions of the exemption (i.e., coal must not exceed 16-2/3 percent of other minerals mined; coal extraction must be incidental to other minerals extracted and detailed records of tonnage must be maintained on site).
10. The Permit Application or Amendment containing the Application for Exemption will be reviewed and approved in accordance with *DMM Procedure 4.6.00 or 4.13.00*.
11. DMM Mine Inspector and DMLR Inspector will periodically check tonnage records maintained on site to ensure the operator does not exceed the 16-2/3 percent ratio of coal to other minerals.
12. If 16-2/3 percent is exceeded, the DMM Mine Inspector will coordinate with the DMLR Inspector and the operator will be issued a Notice of Violation to cease mining and obtain a Chapter 19 permit issued by the Division of Mined Land Reclamation. The DMLR Inspector will issue the Notice of Violation.